

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DERICK CHRISTOPHER KESSING,  
Plaintiff,

v.

Civil No. 3:21cv504 (DJN)

UNKNOWN,  
Defendant.

**MEMORANDUM OPINION**


Plaintiff, a Virginia inmate proceeding *pro se*, submitted a letter addressed to the “Virginia Department of Corrections” and “Attn Grievance Coordinator.” (ECF No. 1.) The letter did not make clear whether Plaintiff intended to bring a lawsuit in this Court or if this letter was simply a copy of a letter he sent to the Virginia Department of Corrections. However, given the content of the letter, the Court provided Plaintiff with an opportunity to file a 42 U.S.C. § 1983 complaint and mailed him the standardized form for filing a 42 U.S.C. § 1983 complaint. By Memorandum Order entered on August 13, 2021, the Court explained that if Plaintiff wished to file a complaint at this time, he should complete and return the form to the Court within fourteen (14) days of the date of entry hereof. (ECF No. 2.) By Memorandum Order entered on August 27, 2021, the Court granted Plaintiff a thirty (30) day extension in which to file a § 1983 complaint. (ECF No. 4.)

On September 24, 2021, the Court received a letter from Plaintiff wherein he asks for another extension or, in the alternative, asks the Court to dismiss the action without prejudice so that he can find and retain counsel. (ECF No. 5, at 1–2.) In accordance with Plaintiff’s request

(ECF No. 5), the action is DISMISSED WITHOUT PREJUDICE. Plaintiff may submit his complaint at a later time and the Court will file the complaint as a new civil action.<sup>1</sup>

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

An appropriate Order shall issue.

/s/   
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David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: October 12, 2021

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<sup>1</sup> Plaintiff need not retain counsel to file a § 1983 complaint. Plaintiff may file his complaint and proceed with the action *pro se*.